



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Kenyon et al.

Application No.: 09/768,658

Filed: January 23, 2001

For: ASYNCHRONOUS SOFTWARE  
UPDATE

Examiner: Nguyen Ba, Hoang-Vu A.

Art Group: 2192

Confirmation No. 3790

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: June 3, 2005

Typed or Printed: Yvette L. Chriscaden

Signature: Yvette L. Chriscaden

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
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INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. § 1.97(g), the submission of this Information Disclosure Statement (IDS) is not to be construed as a representation that a search has been made, and, pursuant to 37 C.F.R. § 1.97(h), the submission of this IDS is not to be construed as an admission that the information cited in this IDS is material to patentability.

This IDS is being submitted under one or more of the following sections of 37

C.F.R. § 1.97 (as indicated by an "X" to the left of the appropriate paragraph(s)):

\_\_\_\_\_ 37 C.F.R. § 1.97(b). Filed:

- (1) Within three months of a National Application other than a CPA;
- (2) Within three months of entry into National Stage;
- (3) Before mailing of a first Office Action on the merits; or
- (4) Before mailing of a first Office Action after filing an RCE.

  X   37 C.F.R. § 1.97(c). Filed before the mailing of a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution.  
And, ONE of the following:

(1) One statement from 37 C.F.R. § 1.97(e);

  X   (e)(1) The person signing below certifies that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

\_\_\_\_\_ (e)(2) The person signing below certifies that no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing below after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 1.56(c) more than three months prior to filing this IDS.

**OR**

(2) The fee set forth in 37 C.F.R. § 1.17(p).

\_\_\_\_\_ A check in the amount of \$180.00 is enclosed.

\_\_\_\_\_ 37 C.F.R. § 1.97(d). Filed on or before payment of the issue fee.  
And, BOTH of the following:

(1) one statement from 37 C.F.R. § 1.97(e);

\_\_\_\_\_ (e)(1) The person signing below certifies that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

\_\_\_\_\_ (e)(2) The person signing below certifies that no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing below after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 1.56(c) more than three months prior to filing this IDS.

**AND**

(2) The fee set forth in 37 C.F.R. § 1.17(p).

\_\_\_\_\_ A check in the amount of \$180.00 is enclosed.

Accompanying this IDS is a list of references and a copy of each reference listed therein, EXCEPT copies of references waived under:

(A) one or more of the following sections of 37 C.F.R. § 1.98 (as indicated by an "X" to the left of the appropriate paragraph(s)):

\_\_\_\_\_ 37 C.F.R. § 1.98(c) as being cumulative (marked with an "\*" on the Form PTO-1449).

\_\_\_\_\_ 37 C.F.R. § 1.98(d) as being previously submitted in parent application  
\_\_\_\_\_/\_\_\_\_\_, to which the present application claims priority under 35  
U.S.C. § 120.

(B) 1273 Off. Gaz. Pat. Office 55 as being submitted with respect to an application filed after June 30, 2003.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393. A Fee Transmittal is enclosed in duplicate for fee processing purposes.

Respectfully submitted,  
SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: June 3, 2005

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